

**Best Practices for Protecting Individual Privacy
in Conducting Survey Research
(Summary of Best Practices)**



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**Information and Privacy
Commissioner/Ontario**

80 Bloor Street West
Suite 1700
Toronto, Ontario
M5S 2V1

416-326-3333
1-800-387-0073
Fax: 416-325-9195
TTY (Teletypewriter): 416-325-7539
Web site: <http://www.ipc.on.ca>

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Foreword

In 1998, the Ontario Provincial Service Restructuring Secretariat asked ministries to assess their services to the public and to subsequently develop action plans to improve any detected service gaps. Given the anticipated volume of survey research and that survey research may involve the collection, retention, use, disclosure, and disposal of personal information, the Information and Privacy Commissioner collaborated with the Ministry of Labour and the Corporate Freedom of Information and Privacy Office of Management Board Secretariat to develop best practices for protecting individual privacy in conducting survey research.

We would like to thank the following individuals for their contribution in developing this paper and the best practices:

Ministry of Labour

Peter Inokai, Chief Administrative Officer
Christopher Berzins, Manager, Freedom of Information & Privacy
Ron Brittain, Director, Information and Technology Management Branch

Corporate Freedom of Information and Privacy Office, Management Board Secretariat

Guy Herriges, Corporate Program Manager
Elizabeth Flavelle, Policy Adviser

Information and Privacy Commissioner/Ontario

Tom Mitchinson, Assistant Commissioner
Diane Frank, Manager of Mediation
Debra Grant, Research Officer
Linda Mariconda, Mediator

Best Practices for Protecting Individual Privacy in Conducting Survey Research (Summary of Best Practices)

The following is a summary of the best practices for conducting survey research recommended by the Information and Privacy Commissioner. For more information, refer to the *Full Version* or *Condensed Version* of the paper *Best Practices for Protecting Individual Privacy in Conducting Survey Research*.

Stage 1: Issue Definition

Best Practice #1 Clearly define the issues you wish to address. This will help to limit the collection of information to that which is necessary to address the issues at hand.

Stage 2: Research Design and Questionnaire Development

Best Practice #2 Where staff of your institution or another institution conduct the survey, prepare Terms of Reference setting out the requirements for the collection, retention, use, disclosure and disposal of personal information, in accordance with the *Acts*. (See Appendix A in the *Full Version* of the paper for a sample Terms of Reference.)

Best Practice #3 Where an external consultant or private company conducts the research, establish a contractual agreement to ensure that personal information is collected, retained, used, disclosed and disposed of, in accordance with the *Acts*. (See Appendix B in the *Full Version* of the paper for a sample agreement of related terms and conditions.)

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- Best Practice #4** Review either the Terms of Reference or the contractual agreement periodically during the survey and at the completion of it, to ensure that all conditions set out in either document have been fully complied with.
- Best Practice #5** Determine early in the design of your survey if it is necessary to collect personal information, as defined in the *Acts*. If you are uncertain as to whether the information in question is personal information, contact your institution's Freedom of Information and Privacy Co-ordinator or a Policy Advisor at Management Board Secretariat's Corporate Freedom of Information and Privacy Office. If personal information will be collected, you must comply with the privacy protection provisions of the *Acts*.
- Best Practice #6** If possible, design a survey so that the information collected does not identify and cannot be used to identify an individual (i.e., an anonymous survey).
- Best Practice #7** If the survey cannot be carried out anonymously, design it so that all personal information is replaced with a special code that can only be used to link the survey data to personal information when it is necessary to do so (i.e., a coded survey).
- Best Practice #8** When conducting a coded survey, be sure to:
- inform potential participants about this procedure and its purpose;
 - retain the coded survey data separately from the personal information; and
 - limit the number of people who are able to relink the survey responses with the personal information.
- Best Practice #9** When collecting personal information at the same time as the survey responses, for a purpose not directly related to the survey, keep the two types of information completely separate.
- Best Practice #10** Determine whether you have the authority to collect the personal information required for the survey, under sections 38(2)/28(2) of the *Acts*.

Best Practice #11 Limit the amount of personal information collected for the survey to what is strictly necessary.

Best Practice #12 Select a survey research method that complements the degree of sensitivity of the information to be collected.

Stage 3: Pretesting (fine-tuning) the Survey

Best Practice #13 Treat any personal information collected during the pretest in the same manner as you would treat personal information collected through the survey.

Stage 4: Sample Selection

Best Practice #14 Where you know in advance that customer or client information will be used to select a survey sample, provide notice of this use at the time of collection. (The subsequent use of the personal information for this purpose would be in compliance with sections 41(b)/31(b) of the *Acts*, since you would be using the personal information for the purpose intended at the time of collection.)

Best Practice #15 Where you have not anticipated using personal information to select a survey sample at the time of collection, only use the information for this purpose if:

- the individual consents to the use; or
- the use is consistent with the purpose for which the information was obtained or compiled.

Best Practice #16 Before collecting personal information indirectly from another institution or third party to obtain a survey research sample, assess your authority to do so under sections 39(1)/29(1) of the *Acts*.

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- Best Practice #17** The inclusion of personal information in a public database does not necessarily mean that you have the authority to collect that information to select a survey sample. Before collecting personal information from a public database for this purpose, assess whether you have the authority to do so under sections 38(2)/28(2) of the *Acts*.
- Best Practice #18** Before sharing data to select a survey sample, prepare a data sharing agreement as per the IPC's *Model Data Sharing Agreement*. Among other things, the agreement should stipulate that:
- the institution conducting the survey must comply with sections 38(2)/28(2) of the *Acts* with respect to the authority to collect the personal information being shared;
 - if the party maintaining the personal information bank is an institution subject to one of the *Acts*, it should assess whether it has the authority to use and disclose the personal information for this purpose, respectively, under sections 41/31 and 42/32 of the *Acts*.
- Best Practice #19** If possible, avoid collecting personal information to obtain a survey research sample, by having the institution or third party that maintains the personal information contact potential research participants directly on your behalf.
- Best Practice #20** Before using personal information to contact potential research participants on behalf of another institution or third party, assess whether you are authorized to use the information for this purpose, under sections 41/31 of the *Acts*.
- Best Practice #21** When using personal information to select a survey research sample, comply with the requirements for personal information banks set out under sections 44 to 46 of the provincial *Act*, or sections 34 and 35 of the municipal *Act*.

Stage 5: Data Collection

- Best Practice #22** When contacting potential survey participants, take steps to protect their privacy by not disclosing to third parties the name of your institution and the reason for contacting the potential survey participants.
- Best Practice #23** Unless the survey is done anonymously, provide assurances of confidentiality only with the proviso that confidentiality is **not** absolute — that a disclosure of personal information may occur if required by statute.
- Best Practice #24** When collecting personal information to conduct a survey, provide notice of collection, in compliance with sections 39(2)/29(2) of the *Acts*, unless a waiver has been obtained.
- Best Practice #25** Before collecting any information from potential survey participants, provide sufficient information about the research project and obtain informed consent.
- Best Practice #26** Whenever possible, collect personal information directly from the individual to whom it relates.
- Best Practice #27** In conducting a survey in which personal information is to be collected from someone other than the individual to whom it relates, assess whether you have the authority to do so under sections 39(1)/29(1) of the *Acts*.

Stage 6: Data Analysis

- Best Practice #28** Use and disclose personal information collected through the survey only for the purpose(s) specified to the survey participants at the time of collection.
- Best Practice #29** Before using personal information for a purpose not specified at the time of collection, obtain the individual's consent.

Stage 7: Reporting of Results

Best Practice #30 Report survey results as aggregate information.

Best Practice #31 Don't report small cells of information, where a specific individual could be identified.

Stage 8: Data Archiving

Best Practice #32 Whenever possible, replace personal information with a special code and store it separately from the survey responses.

Best Practice #33 Retain personal information for the period prescribed in the *Acts* (i.e., section 40(1) of the provincial *Act* together with section 5 of Regulation 460/section 30(1) of the municipal *Act* together with section 5 of Regulation 823).

Best Practice #34 Keep personal information secure as prescribed in the regulations (i.e., section 4 of Regulation 460/section 3 of Regulation 823).

Best Practice #35 To properly dispose of personal information, provincial institutions must comply with section 40(4) of the provincial *Act* together with Regulation 459 and with the *Archives Act* and Management Board Directive 7-5. Municipal institutions should follow the disposal procedures outlined in *IPC Practice 26, Safe and Secure Disposal Procedures for Municipal Institutions*, as there is no equivalent regulation under section 30(4) of the municipal *Act*.